S.B. CIVIL WRIT PETITION NO.7753/2007.
Mishra Ram Chaudhary Vs. State & Ors.

Date of Order :: 29th November 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Mukesh Rajpurohit, for the petitioner.

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BY THE COURT:

By way of this writ petition, the petitioner essentially seeks to question his transfer order.

On being questioned about availability of alternative remedy of filing appeal before the Rajasthan Civil Services Appellate Tribunal, learned counsel submitted that though the petitioner has alternative remedy of appeal before the Tribunal but as the Bench of the Tribunal supposed to hear such matter has not been constituted, the petitioner has filed this writ petition.

The submission about non-functioning of the Bench of the Tribunal is not convincing for the simple reason that the petitioner has not filed any such appeal before the Tribunal nor made a request to the Tribunal to take up the matter for consideration and without filing an appeal before the Tribunal concerned, the petitioner cannot assume that the matter would not be heard.

Though having reservations on the grounds sought to be urged in this matter, but for being not inclined to entertain the matter in extraordinary writ jurisdiction, this Court would not make any final comment on the merits of the grounds sought to be urged by the petitioner leaving it open for the petitioner to take resort to the alternative remedies in accordance with law.

Exercise of writ jurisdiction in this matter is refused; and the petition is rejected.

(DINESH MAHESHWARI), J.

Mohan/